

Remarks

In the Office Action, the Examiner believes that the above-identified application allegedly contains claims directed to more than one species of the generic invention. The Examiner states that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species as designated by the Examiner are as follows:

Species I: stapling device with alignment/locking pins or screws and receivers

Species II: stapling device with positioning assembly

Species III: stapling device with indexing means

The Examiner requires Applicant to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner also requires the Applicant to identify the claims readable on the elected species.

Applicant respectfully traverses the election of species requirement set forth in the Office Action, but provisionally elects Species I, "stapling device with alignment/locking pins or screws and receivers." Moreover, Applicant identifies the following claims as readable of Species I: 1, 2-20, 25-26, 29-31, 34 and 35. The Examiner has designated claim 25 as readable on Species III. However, claim 25 is believed generic to all three species, and therefore readable on Species I as well. (Applicant notes that the Examiner has designated claims 29 and 30, which add numerical quantities to claim 25, as readable on Species I as well.)

The election of species requirements is traversed on the grounds that the species all relate to a single general inventive concept. In particular, Species I, II and III all relate to the concept of a stapling device for a surgical endoscopic device provided with at least one flexible portion, comprising a staple-firing portion and an anvil portion, wherein one of the staple firing portions and one of the anvil portions are located longitudinally displaced from one another along the longitudinal axis of the endoscopic device, with at least a part of said flexible portion between them.

Conclusion

Therefore, the Examiner is respectfully requested to withdraw the election of species requirement. In view of the foregoing, all pending claims are believed allowable, and this application is believed to be in condition for formal allowance. Prompt and favorable action is respectfully requested.

Respectfully submitted,
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